

**CITY OF WEST ST. PAUL
DAKOTA COUNTY, MINNESOTA**

RESOLUTION NO. 23-

**RESOLUTION APPROVING A CONDITIONAL USE PERMIT FOR
AN ON-SALE LIQUOR ESTABLISHMENT (BEER AND WINE)
IN A B2 – NEIGHBORHOOD BUSINESS DISTRICT
AT 1049 DODD ROAD (Betty’s Kitchen)**

WHEREAS, a conditional use permit application has been submitted to the City for the property currently legally described as:

PT OF LOT 3 BLK 3 COM ON W LINE 73 FT S OF NW COR E 110 FT S 7 FT E TO W LINE DODD RD SW ON RD TO W LINE LOT 3 N TO PT OF BEG & S 37 FT OF N 73 FT OF W 110 FT & S 44 FT OF N 80 FT EX W 110 FT THEREOF, ICKLER’S ADDITION TO ST. PAUL (the “Property”); and

WHEREAS, an Ethiopian restaurant, known as Betty’s Kitchen, currently is located at this property; and

WHEREAS, Bethlehem Woledemeskel, the Owner of Betty’s Kitchen (the “Owner”) desires to offer on-sale liquor for beer and wine at the Property; and

WHEREAS, the existing Ethiopian restaurant and bakery on site will remain unchanged; and

WHEREAS, a public hearing concerning the conditional use permit was held before the West St. Paul Planning Commission on April 18, 2023; and

WHEREAS, the West St. Paul Planning Commission made findings, attached as Exhibit A, and recommended the City Council approve the conditional use permit; and

WHEREAS, the West St. Paul city staff recommended the City Council approve the conditional use permit based on the findings of the Planning Commission and the information and recommendations presented by staff and set forth herein; and

WHEREAS, based on city staff report presented to the Planning Commission, minutes of the meeting, and recommendation, the West St. Paul City Council finds that:

1. The proposed use of an on-sale liquor establishment is considered a conditional use in the B2 – Neighborhood Business zoning district;
2. The proposed use is in general harmony with the 2040 Comprehensive Plan as the use of the property is to be commercial as is identified in the plan;

3. The proposed use does not interfere with or diminish the use of adjacent surrounding properties due to similar commercial uses and scale;
4. The property is currently being served by existing public infrastructure facilities and will continue to do so in its current capacity;
5. The proposed use does not disrupt the general flow of traffic and does not cause undue traffic congestion as there are no proposed changes to the site access or parking design;
6. There are no known historical, architectural, natural, and/or environmental features on the subject property;
7. The proposed use will not cause negative effects on the city as a whole as the surrounding area is generally commercial; and
8. The proposed use will not jeopardize the public's health, safety, and/or general welfare.

NOW, THEREFORE, BE IT RESOLVED by the West St. Paul City Council as follows:

Section 1: Approval of the requested conditional use permit. The City Council hereby approves the Applicant's conditional use permit request to establish an on-sale liquor establishment for beer and wine at the Property legally described in Exhibit A.

Section 2: Conditions attached to the approval of the conditional use permit.

The conditional use permit includes the following conditions:

1. The applicant shall apply for and obtain all applicable building and sign permits with the City of West St. Paul, and
2. The applicant shall restripe the existing parking lot.
3. The City may inspect the Property at all reasonable times to ensure compliance with the conditions of this permit.
4. This permit is subject to the City's code requirements. The Owner must comply with all applicable federal, state, and local laws, rules, and ordinances and obtain other permissions and permits as may be required.
5. The violation of any terms or conditions of this permit, including but not limited to any applicable federal, state, or local laws, rules, regulations, and ordinances, may result in the revocation of the permit. The City must give the Owner written notice of any violation and a reasonable amount of time, as determined by the City, to cure the violation before the permit revocation.
6. Use of the Property as allowed by this permit signifies the agreement of the permit's terms and conditions without qualification, limitation, or reservation.

Section 3. Findings and incorporation of recitals and exhibits. Where applicable, the recitals and exhibits incorporated in this resolution constitute the written findings of the City Council, all of which protect the public's health, safety, and welfare.

Section 4. Authorization to take additional steps. The City Council authorizes the Mayor, City Manager, city staff, and the City's consultants to take any additional steps and actions necessary or convenient to accomplish the intent of this resolution.

Section 5. Effective Date. This resolution is effective immediately upon its passage and without publication.

Adopted by the City Council of the City of West St. Paul, Minnesota, this 24th day of April, 2023.

Attest:

David J. Napier, Mayor

Nicole Tillander, City Clerk